

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY JULY 6, 2005

AMENDED IN SENATE MAY 2, 2005

SENATE BILL

No. 10

Introduced by Senator Dunn

December 6, 2004

An act to amend Section ~~798.73 of the Civil Code, relating to mobilehomes~~; 70301 of, and to add Sections 70324 and 70351.5 to, the Government Code, relating to trial court facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Dunn. ~~Mobilehome parks: removal of mobilehomes~~. Trial court facilities.

(1) Existing law requires the Judicial Council, in consultation with the superior court of each county and the county to enter into agreements concerning the transfer of responsibility for court facilities from that county to the Judicial Council. However, neither title to, nor responsibility for, court facilities deemed deficient shall transfer to the state or the Judicial Council, unless provision is made in the agreement for correction of the deficient items. Prior to the completion of the negotiations concerning the transfer of responsibility for court facilities in a building, the state is required to provide for a licensed structural engineer to inspect and evaluate the building for seismic safety, as specified.

This bill would provide, if responsibility for court facilities is transferred from the county to the state pursuant to a negotiated agreement, and the building containing those court facilities is rated as a "level V seismic rating," as defined, that the county shall be

responsible for any seismic-related damage and injury only to the same extent that the county would be liable if responsibility was not transferred to the state, and the county shall indemnify and hold the state harmless from any such claims, except as specified. The bill would require the county, in the event that seismic-related damage occurs, to either make repairs or provide funds to the state sufficient to make those repairs, as specified. The bill would authorize the county and the Judicial Council to agree on a method to address the seismic issue so that the state does not have a financial burden greater than it would have had if the court facilities initially transferred were court facilities in buildings rated as a level IV seismic rating.

(2) Existing law requires each county to pay to the state the amount that county historically expended for operation and maintenance of court facilities for deposit in the Court Facilities Trust Fund as a source of funding for the ongoing operations and maintenance of court facilities, as specified.

This bill would authorize the California State Association of Counties, the Judicial Council, and the Director of Finance to agree to alternative methods for calculating the county facilities payment amount to be used by any county meeting the criteria set forth in those alternative methods.

~~Existing law regulates the terms and conditions of mobilehome park residencies. Existing law prohibits the management of a mobilehome park from requiring the removal of a mobilehome as a condition of its sale or as part of an eviction, as specified. Existing law permits certain older mobilehomes to be removed from a park when they do not comply with specified health and safety standards following an inspection by a designated enforcement agency.~~

~~This bill would permit a private home inspector to perform a health and safety compliance inspection on mobilehomes, as described above. The bill would also prohibit management of a mobilehome park from requiring a homeowner to use a home inspector of the management's choice as a condition of sale.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 70301 of the Government Code is
2 amended to read:

1 70301. This chapter shall be known and may be cited as the
2 “Trial Court Facilities Act of 2002.”

3 As used in this chapter:

4 (a) “Bonded indebtedness” includes any financial
5 encumbrance, including, but not limited to, bonds, lease revenue
6 bonds, certificates of participation, mortgages, liens, or loans, on
7 a building.

8 (b) “Building” means a single structure or connected
9 structures. A building may include related structures.

10 (c) “County facilities payment” means the amount established
11 by Article 5 of this chapter to be paid by a county in partial
12 exchange for relief from the responsibility for providing court
13 facilities.

14 (d) “Court facilities” consist of all of the following:

15 (1) Rooms for holding superior court.

16 (2) The chambers of the judges of the court.

17 (3) Rooms for the attendants of the court, including, but not
18 limited to, rooms for accepting and processing documents filed
19 with the court.

20 (4) Heat, ventilation, air-conditioning, light, and fixtures for
21 those rooms and chambers.

22 (5) Common and connecting space to permit proper and
23 convenient use of the rooms.

24 (6) Rooms for secure holding of a prisoner attending court
25 sessions, together with secure means of transferring the prisoner
26 to the courtroom.

27 (7) Any other area within a building required or used for court
28 functions.

29 (8) Grounds appurtenant to the building containing the rooms.

30 (9) Parking spaces historically made available to one or more
31 users of court facilities.

32 (e) “Deferred maintenance” means a backlog of projects that
33 occurs when ongoing maintenance and repair of court facilities or
34 a building is not sustained at an appropriate level in quality,
35 quantity, or frequency to support the designed level of service of
36 the building or special repair projects are not accomplished as
37 needed.

38 (f) “Historical building” means a building that is identified as
39 a historical building by the county board of supervisors and is
40 either a “qualified historical building or structure,” as defined in

1 Section 18955 of the Health and Safety Code, or is a building
2 eligible for inclusion on the National Register of Historic Places
3 under Section 470a of Title 16 of the United States Code.

4 (g) “Level IV or lower seismic rating” means a rating of level
5 I, level II, level III, or level IV under the *Seismic Risk Table*.

6 (h) “Level V seismic rating” means a rating of substantial risk
7 (level V) under the *Seismic Risk Table*, using the engineering
8 evaluating criteria that are in effect on September 1, 2005. That
9 rating will not in itself be considered a significant threat to life,
10 safety, or health.

11 (i) “Maintenance” means the ongoing upkeep of buildings,
12 equipment, grounds, and utilities required to keep a building and
13 its systems in a condition adequate to support its designed level
14 of service.

15 ~~(h)~~

16 (j) “Responsibility for facilities” means the obligation of
17 providing, operating, maintaining, altering, and renovating a
18 building that contains the facilities.

19 ~~(i)~~

20 (k) “*Seismic Risk Table*” means the *Risk Acceptability Table*
21 of the State Building Seismic Program as developed by the
22 Division of the State Architect, as of April 1994, p. II-2.

23 (l) “Shared use” refers to a building ~~which~~ that is used for both
24 court and noncourt purposes.

25 ~~(j)~~

26 (m) “Special improvement” means any modification that
27 increases the designed level of services of a building, or a
28 one-time modification of a building that is not expected to be
29 repeated during the lifetime of the building.

30 ~~(k)~~

31 (n) “Special repair” means modifications that maintain the
32 designed level of services of a building and does not include a
33 special improvement.

34 ~~(l)~~

35 (o) “Unacceptable seismic safety rating” means a rating of
36 either ~~“substantial risk” (level V)~~, “extensive but not imminent
37 risk” (level VI), or “imminent risk” (level VII) under the *Seismic*
38 ~~Risk-Acceptability Table of the State Building Seismic Program~~
39 ~~as developed by the Division of the State Architect, April 1994,~~
40 ~~p. II-2.~~

~~(m)~~

(p) “Usable space” means space that an occupier of a facility can actually use and may allocate to house personnel and furniture.

~~(n)~~

(q) “User rights” means the right to exclusive use of the noncommon area within a building allocated to that use as well as shared use of the common areas of the building and the appurtenant grounds and parking.

SEC. 2. Section 70324 is added to the Government Code, to read:

70324. (a) If responsibility for court facilities is transferred from the county to the state pursuant to a negotiated agreement, and the building containing those court facilities is rated as a level V seismic rating, the following provisions shall apply to the transfer.

(1) Except as provided in paragraph (3), the county shall be responsible for any seismic-related damage and injury, including but not limited to, damage and injury to real property, personal property, and persons, only to the same extent that the county would be liable for that damage and injury if responsibility was not transferred to the state, and the county shall indemnify and hold the state harmless from those claims.

(2) Except as provided in paragraph (3), in the event that seismic-related damage occurs to a building containing court facilities for which the county retains liability under this section, the county either shall make repairs to the damage or provide funds to the state sufficient to make those repairs, in order to bring the damaged portions of the building containing court facilities back to the condition in which they existed before the seismic-related event. The county may postpone the making of repairs to the damage or providing funds to the state for those repairs, if it provides the court, at county expense, with necessary and suitable temporary facilities, subject to the agreement of the Judicial Council.

(3) The county shall not be liable for any damage or injury sustained in a seismic event if the damage or injury is attributable to actions or conditions created by or under the control of the state including, but not limited to, building alterations, tenant improvements, maintenance, operations,

1 furnishings, or equipment. The state shall indemnify, defend, and
2 hold the county harmless from any liability resulting from that
3 damage or injury. The state does not have a duty to make
4 changes or repairs to improve the seismic condition of the
5 building.

6 (4) As part of, or subsequent to, the transfer agreement, the
7 county and the Judicial Council may agree on a method to
8 address the seismic issue so that the state does not have a
9 financial burden greater than it would have had if the court
10 facilities initially transferred were court facilities in buildings
11 rated as a level IV seismic rating.

12 (b) This section shall not apply to events occurring on or after
13 the earliest of the following dates:

14 (1) The facilities covered by this section are seismically-rated
15 at any level lower than level V.

16 (2) The facilities are no longer used as court facilities.

17 (3) Thirty-five years from the date of transfer of the facilities.

18 (4) The county has complied with the conditions for relief from
19 liability contained in an agreement pursuant to paragraph (4) of
20 subdivision (a) addressing the seismic issue with regard to the
21 facility, and the agreement has been approved by the Director of
22 Finance.

23 (c) The provisions of this section shall prevail over any
24 conflicting provisions of this chapter in regard to transfer of
25 responsibility for court facilities in buildings rated as a level V
26 seismic rating.

27 (d) This section shall not be deemed to impose greater liability
28 on a county for seismic-related damage to third parties other
29 than it would have if the responsibility for court facilities had not
30 transferred to the state.

31 (e) Nothing in this chapter shall require the transfer of
32 responsibility for court facilities in a building that is rated as a
33 level V seismic rating.

34 SEC. 3. Section 70351.5 is added to the Government Code, to
35 read:

36 70351.5. Notwithstanding any other provision of this chapter,
37 the California State Association of Counties, the Judicial
38 Council, and the Director of Finance may agree to alternative
39 methods for calculating the county facilities payment amount to
40 be used by any county meeting the criteria set forth in those

1 *alternative methods. In the absence of an agreement, the other*
2 *provisions of this article shall apply.*

3 ~~SECTION 1. Section 798.73 of the Civil Code is amended to~~
4 ~~read:~~

5 ~~798.73. The management may not require the removal of a~~
6 ~~mobilehome from the park in the event of its sale to a third party~~
7 ~~during the term of the homeowner's rental agreement or in the 60~~
8 ~~days following the initial notice required by paragraph (1) of~~
9 ~~subdivision (b) of Section 798.55. However, in the event of a sale~~
10 ~~to a third party, in order to upgrade the quality of the park, the~~
11 ~~management may require that a mobilehome be removed from~~
12 ~~the park where:~~

13 ~~(a) It is not a "mobilehome" within the meaning of Section~~
14 ~~798.3.~~

15 ~~(b) It is more than 20 years old, or more than 25 years old if~~
16 ~~manufactured after September 15, 1971, and is 20 feet wide or~~
17 ~~more, and the mobilehome does not comply with the health and~~
18 ~~safety standards provided in Sections 18550, 18552, and 18605~~
19 ~~of the Health and Safety Code and the regulations established~~
20 ~~thereunder, as determined following an inspection by the~~
21 ~~appropriate enforcement agency, as defined in Section 18207 of~~
22 ~~the Health and Safety Code, or a private home inspector who is~~
23 ~~either a C-47 licensed contractor or a licensed contractor. Copies~~
24 ~~of any of the inspector's reports pursuant to this section shall be~~
25 ~~made available to both the homeowner and the management. The~~
26 ~~management shall not require a homeowner to use a home~~
27 ~~inspector of the management's choice as a condition of sale.~~

28 ~~(c) The mobilehome is more than 17 years old, or more than~~
29 ~~25 years old if manufactured after September 15, 1971, and is~~
30 ~~less than 20 feet wide, and the mobilehome does not comply with~~
31 ~~the construction and safety standards under Sections 18550,~~
32 ~~18552, and 18605 of the Health and Safety Code and the~~
33 ~~regulations established thereunder, as determined following an~~
34 ~~inspection by the appropriate enforcement agency, as defined in~~
35 ~~Section 18207 of the Health and Safety Code, or a private home~~
36 ~~inspector who is either a C-47 licensed contractor or a licensed~~
37 ~~contractor. Copies of any of the inspector's reports pursuant to~~
38 ~~this section shall be made available to both the homeowner and~~
39 ~~the management. The management shall not require a~~

1 homeowner to use a home inspector of the management's choice
2 as a condition of sale.
3 (d) ~~It is in a significantly rundown condition or in disrepair, as~~
4 ~~determined by the general condition of the mobilehome and its~~
5 ~~acceptability to the health and safety of the occupants and to the~~
6 ~~public, exclusive of its age. The management shall use~~
7 ~~reasonable discretion in determining the general condition of the~~
8 ~~mobilehome and its accessory structures. The management shall~~
9 ~~bear the burden of demonstrating that the mobilehome is in a~~
10 ~~significantly rundown condition or in disrepair. The management~~
11 ~~of the park may not require repairs or improvements to the park~~
12 ~~space or property owned by the management, except for damage~~
13 ~~caused by the actions or negligence of the homeowner or an~~
14 ~~agent of the homeowner.~~